

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU
WRIT PETITION NO : 10182 of 2004

Between:

M. Ram Raj, S/o. M. Lalaiah, E.No. 207601,
APSRTC, Falaknuma Depot, Hyderabad.
R/o. 23-4-66, Gowlipura, Hyderabad.

... PETITIONER

AND

Depot Manager, A.P.S.R.T.C.
Falaknuma Depot, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing suspension order No.02/95(12)/2004-F.M. Dated 10-5-2004, is an inhuman act which is an unpropitious effects on the file of an employee and not merely a stigma against an employee alone but it is a stigma against the family as a whole and it amounts to social stigma against the employee and his family members, issuing suspension order without personal hearing, without perusing the explanation submitted to charge memo, without discussing on the eliaf the facts, without prima-facie investigation, without calling special report from the TTIS to know the facts without so called(made) passenger statement, without applying his mind before issuing suspension order, is as illegal, unjust contrary to law and in violation of principles of natural justice by granting all consequential benefits and set-aside the suspension order No. 02/95912)/2004-F.M. Dated 10-5-2004

Counsel for the Petitioner: MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent: MR.K.HARINATH

The Court Made the Following Order:

ORDER:

The petitioner was placed under suspension by impugned proceedings of the first respondent dated 10.05.2004 on the allegation that the writ petitioner committed serious cash and ticket irregularities. Questioning the said proceedings, the present Writ Petition is filed.

The learned counsel for the petitioner vehemently contended that when the writ petitioner was about to issue the ticket after receipt of cash from the passengers, the checking officials checked the vehicle and there was no scope or possibility for the writ petitioner to issue tickets and therefore it does not amount to misconduct.

On the other hand, learned counsel for the respondent contended that after receipt of ticket amount from the passenger the writ petitioner's failing to issue the ticket is a serious misconduct. Hence, the order under question does not suffer from any legal infirmity.

When the checking officials surprised the vehicle on 19.04.2004, they detected certain cash and ticket irregularities. Therefore, a specific charge was framed against him, stating that having collected an amount of Rs.3/- towards ticket fare, he failed to issue the ticket.

Basing on the above report of the checking officials the petitioner

was placed under suspension. It is not a case where the person who issued suspension order has no jurisdiction or authority to place an employee under suspension; whether the petitioner was about to issue the ticket or whether the person committed any cash irregularities has to be decided in the enquiry itself.

Therefore, the impugned order does not suffer from any serious infirmities so as to call for interference by this Court. Hence, the writ petition is disposed of directing the first respondent to complete the enquiry as per law within a period of two months from the date of receipt of a copy of this order.

(K.C. BHANU, J)

June 22, 2004

Dsk/Sj

Copy to:

1. Depot Manager, A.P.S.R.T.C.
Falaknuma Depot, Hyderabad.

2. Two C.D. Copies.

THE HON'BLE SRI JUSTICE K.C. BHANU

-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION NO : 10182 of 2004

Dated: June 22, 2004